

REMARKS

A new first paragraph specifically claiming priority to prior filed applications, at least one of which was pending at the time this application was filed, has been added as required by 37 C.F.R. § 1.55. No new matter has been added by this amendment. Priority to all noted applications is respectfully solicited.

A listing of the allowed claims is also provided herein, with no new amendments to the claims.

The remaining balance of these remarks is devoted to the Examiner's statement of "Reasons for Allowance" put forward with the Notice of Allowance papers dated August 2, 2010.

It is noted with much appreciation that the Examiner allowed all of the pending claims in this case. In so doing, however, the Examiner chose to include in the allowance papers somewhat extended observations regarding his interpretation of the scope of certain claims and his views with regard to various distinctions said to exist between subject matter embraced by Applicants' claims, as allowed, and aspects of disclosures and/or claims of several other applications.¹ Applicants agree that their claims, as allowed, at least patentably distinguish over all known prior art in accordance with the Patent Act and any/all other applicable requirements of law.² Applicants also contend and agree that their claims, as allowed, are not unpatentable under the Patent Act, in any respect, in regard to the disclosure(s) and/or claims of the noted '055 and '556 applications or any other cited reference(s), taking into account all aspects of how the same should properly be judged including, but not limited to, matters of priority of invention.

Furthermore, Applicants submit that their claims, as allowed, speak for themselves in terms of what Applicants' claims may or may not require and in relation to any distinctions between Applicants' claims and claims of the noted '066 and '556 applications. To the extent the Examiner's observations concerning Applicants' claims and claims in the '066 and '556 applications are based on, reflect, or include errors and/or accuracies, if any, Applicants defer to

¹ As used herein, the term "Applicants" is intended to include all inventors and co-inventors with respect to the subject matter of any claim, and all direct or indirect assignees of rights with respect to the subject matter hereof.

² Applicants are not, however, in these remarks or otherwise, admitting or taking a position as to whether any cited or noted references including, but not limited to, the '066 and '556 applications noted by the Examiner, do or do not qualify as "prior art" under the law as applied to the facts of this case.

proper application of the canons, rules, and applicable case law pertaining to interpretation of their claims as well as claims of the subject '066 and '556 applications or of any other patents/applications and the statutory presumption of validity, which will attach to each of Applicants' claims as part of the patent(s) to issue from the present application.³

Applicants further note that the Examiners' statements in his Reasons of Allowance are not acknowledged or agreed to be an exhaustive recitation or discussion touching on all patentable or other distinctions between the present claims and the teachings or disclosures of any prior art or reference, or all or even the only sufficient reasons why Applicants' claims patentably distinguish from the prior art, and Applicants reserve the right to note other, further, and/or different reasons why the scope of the present claims patentably distinguish from the prior art, should they decide, in their sole discretion, to do so. Again, Applicant's claims and the disclosure(s) and/or teaching(s) of any prior art or other reference speak for themselves, and the differences between the two will, upon issuance of a patent from this application, be statutorily presumed under law to be at least sufficient to meet the minimum conditions for and requirements of patentability under all relevant provisions of the Patent Act, Title 35 of the United States code, as amended. For example, and not by way of limitation, the reference to removal of a silyl protecting group in Claim 21 is believed to be properly construed as not being limited to removal of a silyl protecting group by "dry" isopropanol only, as a person having ordinary skill in the art would consider the related disclosure and teaching at page 5, lines 1-3, together with their presumed innate and experiential knowledge and skill, when choosing a suitable reagent(s) for practicing the step as claimed.

Applicants respectfully request placement of these observations in the official file for this case.

In the event this submission is not timely filed and/or should any fee be due in connection with the same or any related matter, Applicants hereby petition for any necessary extension of

³ Applicants expressly reserve the right to adopt, contest, or disagree with all or any part of any/all comments, assertions, contentions, observations, musings, or statements of any kind made by the Examiner or the USPTO with respect to any aspect of the claims in this application or of any asserted prior art or other reference. Nothing said or not said herein shall be taken as an express or implied acquiescence or adoption, rejection, or other position by Applicants with respect to anything said or not said by the Examiner.

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time and request that the fee for the same along with any other fees which may be due with respect to this submission be charged to Deposit Account No. 12-2355 of the undersigned.

Respectfully submitted,

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Date: November 2, 2010

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